

REFERENCE: 16/3/3/2/D6/18/0002/22
DATE OF ISSUE: 17 November 2022

THE DIRECTOR
HARTENBOS HILLS PROPCO (PTY) LTD
252 Val de Vie
PAARL
7646

Attention: Mr. A.J. Kruger

E-mail: ajkcons@gmail.com

Cell: 082 375 9679

Dear Sir

ACCEPTANCE OF THE SCOPING REPORT AND PLAN OF STUDY FOR AN ENVIRONMENTAL IMPACT ASSESSMENT REPORTING (“EIR”) PROCESS IN TERMS OF THE ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2014 FOR THE PROPOSED HARTENBOS GARDEN ESTATE ON ERF 3122, HARTENBOS HEUWELS, MOSSEL BAY

1. The Scoping Report dated 5 October 2022, received by this Department on 5 October 2022, refers.
2. This letter serves to inform you that the abovementioned document in accordance with Regulation 22(a) of the Environmental Impact Assessment Regulation, 2014 has been accepted by the Department.
3. You are hereby advised to proceed with the tasks contemplated in the plan of study for environmental impact assessment and that the Environmental Impact Assessment (“EIA”) Report must contain all information set out in Appendix 3 of GN No. R. 982 of 4 December 2014. Omission of any information may result in the application for Environmental Authorisation being refused.
4. An Environmental Management Programme (“EMPr”) that contains all information set out in Appendix 4 of the EIA Regulations 2014 must be compiled that addresses the potential environmental impacts of the activity on the environment throughout the project life cycle, i.e., the EMPr must address impacts in respect of the planning and design, pre-construction and construction activities, operation of the activity, rehabilitation of the environment and closure/decommissioning (if applicable). The Department would like to advise that in compiling the EMPr the Department’s Guideline for Environmental Management Programmes must be taken into account.

5. In addition to the above, the Environmental Assessment Practitioner ("EAP") must submit the draft EIA Report and EMPr to the Department for a **30-day** comment period. The draft EIA Report and EMPr must also be made available to all relevant State Departments/Organs of State that administer laws relating to a matter affecting the environment, for a 30-day comment period. The EAP must notify the Department in writing of the date the draft EIA Report and EMPr was submitted to the relevant State Departments/Organs of State and clearly indicate whether or not such State Departments/Organs of State were notified of the **30-day** comment period in terms of Section 24O of NEMA. It is imperative that State Departments/Organs of State are in possession of the draft Reports, whether it be digitally or in hard copy when the EAP issues them with the notice in terms of Section 24O of NEMA. **Please note that the EAP is responsible for such consultation.** Therefore, it is requested that the EAP include proof of such notification to the relevant State Departments/Organs of State in terms of Section 24O(2) and (3) of NEMA in the draft EIA Report, where appropriate.
6. The practitioner must record and respond to all comments received. The comments and responses must be captured in a Comments and Responses Report and must also include a description of the public participation process followed. This report must also be included in the public participation information to be attached to the EIA report submitted for a decision.
7. Please ensure that comments from all the relevant Organs of State, including any comments from the Department, are submitted with the EIA Report.
8. The Department awaits the submission of the EIA Report as prescribed by the EIA Regulations 2014. In accordance with Regulation 23(1) of GN No. R. 982 of 4 December 2014, the EIA Report and EMPr must be submitted to this Department for decision within a period of **106 days** from the date of this letter. If however, significant changes have been made or significant new information has been added to the EIA Report, the applicant/EAP must notify the Department that an additional 50 days (i.e. 156 days from the date of the acceptance of the Scoping Report by the Department) would be required for the submission of the EIA Report. The additional 50 days must include a minimum 30-day commenting period to allow registered I&APs to comment on the revised report and/or additional information.
9. If the EIA Report and EMPr are not submitted within the prescribed timeframe, the application will lapse in terms of Regulation 45 of Government Notice Regulation No. 982 of 4 December 2014 and your file will be closed. Should you wish to pursue the application again, a new application process would have to be initiated. A new Application Form would have to be submitted and the prescribed application fee would have to be paid again.
10. Please note that digital documents may be submitted to the Department for decision. However, this Department may request hard copies of the report to be submitted.

11. Kindly quote the abovementioned reference number in any future correspondence in respect of the application.
12. Please note that the activity may not commence prior to an Environmental Authorisation being granted by the Department. It is an offence in terms of Section 49A of the NEMA for a person to commence with a listed activity unless the Department has granted an environmental authorisation for the undertaking of the activity.
13. This Department reserves the right to revise or withdraw comments or request further information from you based on any information that might be received.

Yours faithfully

**HEAD OF COMPONENT
ENVIRONMENTAL IMPACT MANAGEMENT SERVICES (REGION 3)
DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND DEVELOPMENT PLANNING**

Copied to: EAP: Mrs. Louise-Mari van Zyl

E-mail: louise@cape-eaprac.co.za